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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
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11 ODYSSEY WIRELESS, INC.,
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13 Plaintiff,
14 vs.
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16 APPLE INC.,
17 Defendant.
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CASE NO. 15-CV-1735-H (RBB)

**ORDER DENYING
PLAINTIFF'S MOTION FOR
LEAVE TO FILE AN
AMENDED JOINT CLAIM
CONSTRUCTION
STATEMENT, CHART, AND
WORKSHEET**

[Doc. No. 146.]

19 ODYSSEY WIRELESS, INC.,
20 Plaintiff,
21 vs.
22
23 SAMSUNG ELECTRONICS CO.,
24 LTD.; and SAMSUNG
ELECTRONICS AMERICA, INC.,
25 Defendants.
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CASE NO. 15-CV-1738-H (RBB)

**ORDER DENYING
PLAINTIFF'S MOTION FOR
LEAVE TO FILE AN
AMENDED JOINT CLAIM
CONSTRUCTION
STATEMENT, CHART, AND
WORKSHEET**

[Doc. No. 156.]

1 ODYSSEY WIRELESS, INC.,
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 3 Plaintiff,
 4 vs.
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 6 MOTOROLA MOBILITY LLC,
 7 Defendant.

CASE NO. 15-CV-1741-H (RBB)

**ORDER DENYING
 PLAINTIFF'S MOTION FOR
 LEAVE TO FILE AN
 AMENDED JOINT CLAIM
 CONSTRUCTION
 STATEMENT, CHART, AND
 WORKSHEET**

[Doc. No. 132.]

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 9 ODYSSEY WIRELESS, INC.,
 10 Plaintiff,
 11 vs.
 12
 13 LG ELECTRONICS U.S.A., INC.; LG
 14 ELECTRONICS INC.; and LG
 15 ELECTRONICS MOBILECOMM
 16 U.S.A., INC.,
 Defendants.

CASE NO. 15-CV-1743-H (RBB)

**ORDER DENYING
 PLAINTIFF'S MOTION FOR
 LEAVE TO FILE AN
 AMENDED JOINT CLAIM
 CONSTRUCTION
 STATEMENT, CHART, AND
 WORKSHEET**

[Doc. No. 136.]

17 On September 4, 2015, the Court issued a scheduling order for the above four
 18 cases. (Doc. No. 111 in 15-cv-1735; Doc. No. 119 in 15-cv-1738; Doc. No. 95 in 15-
 19 cv-1741; Doc. No. 101 in 15-cv-1743.) Under the Court's scheduling order, the parties'
 20 joint claim construction statement, chart, and worksheet was due by January 14, 2016.
 21 (Id.) On January 14, 2016, the parties filed their joint claim construction statement,
 22 chart, and worksheet (Doc. No. 144 in 15-cv-1735; Doc. Nos. 152-54 in 15-cv-1738;
 23 Doc. No. 130 in 15-cv-1741; Doc. No. 134 in 15-cv-1743.)

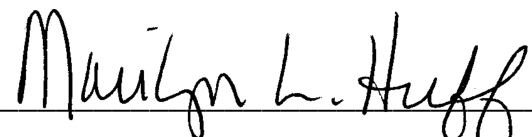
24 On January 28, 2016, Plaintiff Odyssey Wireless, Inc. filed a motion for leave to
 25 file an amended joint claim construction statement, chart, and worksheet in two weeks.
 26 (Doc. No. 146 in 15-cv-1735; Doc. No. 156 in 15-cv-1738; Doc. No. 132 in 15-cv-
 27 1741; Doc. No. 136 in 15-cv-1743.) In the motion, Odyssey contends that it needs to
 28 amend the joint filing due to changes that Defendants made to their claim construction

1 positions on the day the joint filing was due. (See id.) A hearing on the motion is
2 currently scheduled for February 29, 2016 at 10:30 a.m. The Court, pursuant to its
3 discretion under Local Rule 7.1(d)(1), determines this matter is appropriate for
4 resolution without oral argument, submits the motion on the papers, and vacates the
5 hearing.

6 After considering the arguments raised by Odyssey in its motion and the record
7 in this case, the Court, exercising its sound discretion, declines to grant Odyssey the
8 requested leave. Odyssey has failed to show good cause for the requested relief.
9 Odyssey contends that it needs to file an amended joint filing due to Defendants' last-
10 day changes to their claim construction positions. (Doc. No. 146-1 at 15-16 in 15-cv-
11 1735.) But, Odyssey concedes that "making changes is an accepted part of the claim
12 construction process." (Id.) Moreover, in seeking leave, Odyssey fails to provide the
13 Court with its proposed amendments. Indeed, Odyssey fails to provide any explanation
14 at all of how it intends to amend the joint filing even though the joint filing was made
15 over two weeks ago. Further, it is unclear to the Court whether any amendments need
16 to be made as Odyssey appears to be contending, as it has contended throughout the
17 claim construction process, that none of the asserted claims need to be construed and
18 that the terms should just be given their plain and ordinary meaning. (See id. at 6, 15,
19 Exs. 4, 6, 8.) Finally, to the extent Odyssey needs to respond to the changes in
20 Defendants' claim construction positions, the Court concludes that those responses are
21 more appropriately contained in Odyssey's opening claim construction brief, rather than
22 in an amended joint filing. Accordingly, the Court denies Odyssey's motion for leave
23 to file an amended joint claim construction statement, chart, and worksheet.

24 **IT IS SO ORDERED.**

25 DATED: January 29, 2016

26 
27 MARILYN L. HUFF, District Judge
28 UNITED STATES DISTRICT COURT